

1 **3**
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10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

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14 In the Matter of) Case No. 11-61488-B-7
15 ERNEST E. LLAMAS,)
16 Debtor.) Chapter 7
17) TMT-1
18) Date: February 15, 2012
19) Time: 10:00 a.m.
20) Dept: B, Courtroom 12,
21) Fresno
22) The Honorable W. Richard Lee

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**TRUSTEE'S MOTION FOR AUTHORITY TO SELL THE BANKRUPTCY
ESTATE'S INTEREST IN PERSONAL PROPERTY**

24 Trudi G. Manfredo, Trustee of the above referenced bankruptcy
25 estate, brings this Motion to Abandon and respectfully represents as
26 follows:

27 Trudi G. Manfredo, Chapter 7 Trustee of the above reference
28 bankruptcy estate ("Trustee") of Ernest E. Llamas ("Debtor"),
respectfully represents as follows:

29 1. Trustee is the duly appointed qualified and acting Trustee
30 of the above-referenced bankruptcy estate.

1 2. Debtor filed under Chapter 7 of the Bankruptcy Code on
2 October 19, 2011, and an order for relief was entered.

3 3. This Court has jurisdiction over this proceeding under 28
4 U.S.C. §1334(a). This is a core proceeding under 28 U.S.C.
5 §157(b) (2) (A). This motion is brought pursuant to 11 U.S.C. §363.
6 Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a) by
7 virtue of the pendency of this case before the Court.

8 4. Among the assets of this bankruptcy estate is a non exempt
9 2004 Toyota Corolla, Licence Plate No. 5DBD736 and VIN No.
10 4NXBR32E14Z, and non exempt equity in a 2003 Toyota Tacoma, Licence
11 No. 7F13229 and VIN No. 5TEVL52NX3Z, of which Debtor has exempted
12 \$2,550.00, but he is entitled to exempt \$2,775.00. These vehicles
13 are unencumbered.

14 5. Trustee has received and accepted an offer from the Debtor
15 to purchase the 2004 Toyota Corolla for \$6,000.00, and the non exempt
16 equity in the 2003 Toyota Tacoma for \$3,500.00.

17 6. Trustee is currently holding the \$6,000.00 for the 2003
18 Toyota Tacoma.

19 7. The terms of the purchase of the equity for the Toyota
20 Tacoma is that the Debtor will make 6 monthly payments: \$600.00 for
21 five months and \$500.00 for the last payment. The first payment will
22 be due on January 15, 2011. In the event that Debtor is more than
23 five days late on any payment, he will immediately surrender the 2003
24 Toyota Tacoma to the Trustee.

25 8. In deciding to accept the offer, Trustee believes that
26 this is a fair price for the Personal Property. Debtor has valued
27 each vehicle at \$7,500.00. If the Trustee were to auction these
28 vehicles, after paying 15% commission and a storage fee of \$125.00,

1 \$6,250.00 would be the net sales proceeds for each vehicle. Trustee
2 is already holding \$6,000.00 for the 2004 Toyota. With regard to the
3 2003 Toyota Tacoma, the net to the estate would be \$3,475.00. The
4 Debtor is paying \$3,500.00 for this vehicle. The amount received in
5 an auction is always uncertain - It could even be less than expected.
6 The uncertainty of the return at auction, makes an immediate sale to
7 the debtor a better benefit for unsecured creditors.

8 9. There will be no tax consequences to the estate as a result
9 of the sale.

10 10. Trustee believes that the sale of the above-described
11 property is in the best interest of the creditors of this estate and
12 all parties in interest.

13 WHEREFORE, Trustee prays

14 || 1. That the Motion be granted.

15 2. That the Court issue an order authorizing the sale of the
16 Bankruptcy Estate's interest in the above Personal Property to Debtor
17 for \$6000.00 for the 2004 Toyota Corolla and \$3,500.00 for the 2003
18 Toyota Tacoma under the terms and conditions set forth herein above;

19 3. For such other and further relief as the Court deems just
20 and proper.

21 || DATED: January , 2012

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By /s/ TRUDI G. MANFREDO
Trudi G. Manfredo, Chapter 7
Trustee